

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO (AKRON)**

JERRY BAUER, Executor of the Estate of Dakota Bauer,)	Case No.: 5:07-CV-00489
)	
)	
Plaintiff,)	JUDGE JAMES S. GWIN
)	
vs.)	SEPARATE ANSWER OF DEFENDANT
)	OLYMPIC ARMS, INC.
JAMES TRIMBLE, et al.,)	
)	<i>(Jury Demand Endorsed Hereon)</i>
Defendants.)	
)	
)	
)	

Now comes Defendant, Olympic Arms, Inc., by and through counsel, and for their Answer to the Plaintiff's Complaint states as follows:

Parties and Jurisdiction

1. Upon information and belief, this Defendant admits the allegations as contained in paragraph 1 of the Plaintiff's Complaint.
2. This Defendant admits that the Plaintiff has brought this action pursuant to R.C. 2125.02, but denies the validity of any allegations contained in the Complaint as they relate to this Defendant.
3. This Defendant denies for want of knowledge or information sufficient to state the truth or veracity of the allegations as contained in paragraph 3 of the Plaintiff's Complaint.
4. This Defendant denies for want of knowledge or information sufficient to state the truth or veracity of the allegations as contained in paragraph 4 of the Plaintiff's Complaint.
5. Upon information and belief, this Defendant admits the allegations contained in paragraph 5 of the Plaintiff's Complaint.

6. Upon information and belief, this Defendant admits the allegations as contained in paragraph 6 of the Plaintiff's Complaint.

7. This Defendant admits that Olympic Arms, Inc. is an entity incorporated under the laws of the state of Delaware with its principle place of business at 624 Old Pacific Highway SE, Olympia, WA 98513. Further, this Defendant denies any remaining allegations as contained in paragraph 7 of the Plaintiff's Complaint.

8. This Defendant denies for want of knowledge or information sufficient to state the truth or veracity of the allegations as contained in paragraph 8 of the Plaintiff's Complaint.

9. This Defendant denies for want of knowledge or information sufficient to state the truth or veracity of the allegations as contained in paragraph 9 of the Plaintiff's Complaint.

COUNT ONE

10. This Defendant hereby incorporates the admissions and denials as set forth in paragraphs 1 through 9 and further alleges as follows:

11. This Defendant admits that Defendant James Trimble either negligently, intentionally or recklessly shot two people in the Township of Brimfield, County of Portage, State of Ohio, on January 21, 2005. Further, this Defendant denies for want of knowledge or information sufficient as to state the truth or veracity of the remaining allegations as contained in paragraph 11 of the Plaintiff's Complaint.

12. This Defendant denies for want of knowledge or information sufficient to state the truth or veracity of the allegations as contained in paragraph 12 of the Plaintiff's Complaint.

COUNT TWO

13. This Defendant hereby incorporates the admissions and denials as set forth in paragraphs 1 through 12 and further alleges as follows:

14. This Defendant denies for want of knowledge or information sufficient to state the truth or veracity of the allegations as contained in paragraph 14 of the Plaintiff's Complaint.

15. This Defendant denies for want of knowledge or information sufficient to state the truth or veracity of the allegations as contained in paragraph 15 of the Plaintiff's Complaint.

16. This Defendant denies for want of knowledge or information sufficient to state the truth or veracity of the allegations as contained in paragraph 16 of the Plaintiff's Complaint.

17. This Defendant denies for want of knowledge or information sufficient to state the truth or veracity of the allegations as contained in paragraph 17 of the Plaintiff's Complaint.

18. This Defendant denies for want of knowledge or information sufficient to state the truth or veracity of the allegations as contained in paragraph 18 of the Plaintiff's Complaint.

19. This Defendant denies for want of knowledge or information sufficient to state the truth or veracity of the allegations as contained in paragraph 19 of the Plaintiff's Complaint.

20. This Defendant denies for want of knowledge or information sufficient to state the truth or veracity of the allegations as contained in paragraph 20 of the Plaintiff's Complaint.

COUNT THREE

21. This Defendant hereby incorporates the admissions and denials as set forth in paragraphs 1 through 20 and further alleges as follows:

22. This Defendant denies for want of knowledge or information sufficient to state the truth or veracity of the allegations as contained in paragraph 22 of the Plaintiff's Complaint.

23. This Defendant denies for want of knowledge or information sufficient to state the truth or veracity of the allegations as contained in paragraph 23 of the Plaintiff's Complaint.

24. This Defendant denies for want of knowledge or information sufficient to state the truth or veracity of the allegations as contained in paragraph 24 of the Plaintiff's Complaint.

25. This Defendant denies for want of knowledge or information sufficient to state the truth or veracity of the allegations as contained in paragraph 25 of the Plaintiff's Complaint.

COUNT FOUR

26. This Defendant hereby incorporates the admissions and denials as set forth in paragraphs 1 through 25 and further alleges as follows:

27. This Defendant denies for want of knowledge or information sufficient to state the truth or veracity of the allegations as contained in paragraph 12 of the Plaintiff's Complaint.

28. This Defendant denies the allegations as contained in paragraph 28 of the Plaintiff's Complaint.

29. This Defendant denies the allegations as contained in paragraph 29 of the Plaintiff's Complaint.

30. This Defendant denies the allegations as contained in paragraph 30 of the Plaintiff's Complaint.

COUNT FIVE

31. This Defendant hereby incorporates the admissions and denials as set forth in paragraphs 1 through 30 and further alleges as follows:

32. This Defendant denies for want of knowledge or information sufficient to state the truth or veracity of the allegations as contained in paragraph 32 of the Plaintiff's Complaint.

33. This Defendant denies for want of knowledge or information sufficient to state the truth or veracity of the allegations as contained in paragraph 33 of the Plaintiff's Complaint.

34. This Defendant denies for want of knowledge or information sufficient to state the truth or veracity of the allegations as contained in paragraph 34 of the Plaintiff's Complaint.

35. This Defendant denies for want of knowledge or information sufficient to state the truth or veracity of the allegations as contained in paragraph 35 of the Plaintiff's Complaint.

36. This Defendant denies for want of knowledge or information sufficient to state the truth or veracity of the allegations as contained in paragraph 36 of the Plaintiff's Complaint.

AFFIRMATIVE DEFENSE

1. The within action was not commenced within the time required by law, and Plaintiff's Complaint is thereby barred by the applicable statute of limitation.

2. The damages and/or injuries alleged by Plaintiff resulted from the negligence or conduct of other persons and/or entities over which Defendant Olympic Arms, Inc. had no control or duty to control.

3. The damages and/or injuries of which the Plaintiffs complain, if any, were caused by intervening and superseding causes, thereby relieving this Defendant of any responsibility therefore.

4. This Defendant raises the affirmative defense of insufficiency of process.

5. This Defendant raises the affirmative defense of insufficiency of service of process.

6. Plaintiff's Complaint fails to state a claim upon which relief can be granted.

7. This Defendant expressly reserves the right to add additional affirmative defenses as discovery progresses.

WHEREFORE, having fully answered, Defendant Olympic Arms, Inc. prays that Plaintiff's Complaint be dismissed with prejudice, with costs to Plaintiff.

Respectfully submitted,

/s/ Lawrence A. Sutter
Lawrence A. Sutter (0042664)
Sutter, O'Connell & Farchione
3600 Erieview Tower
1310 East 9th Street
Cleveland, Ohio 44114
(216) 928-2200
Fax: (216) 928-4400

*Attorney for Defendant,
Olympic Arms, Inc.*

JURY DEMAND

Now comes Defendant, Olympic Arms, Inc., by and through counsel, and herein demands a trial by jury of the issues triable of and by a jury in this action.

/s/ Lawrence A. Sutter
Lawrence A. Sutter (0042664)

CERTIFICATE OF SERVICE

I certify that on the 8th day of May, 2007 a copy of the foregoing ***Answer of Defendant, Olympic Arms, Inc.*** was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Lawrence A. Sutter
Lawrence A. Sutter (0042664)